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General Assembly
Emergency Special Session

Official Records

31st meeting
Friday, 15 December 2006, 3 p.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

The meeting was called to order at 3.05 p.m.

Agenda item 5 (*continued*)

Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Report of the Secretary-General (A/ES-10/361)

Draft resolution (A/ES-10/L.20/Rev.1)

Report of the Fifth Committee (A/61/625/Rev.1)

Mr. Abdelaziz (Egypt) (*spoke in Arabic*): It is truly a difficult position in which I find myself: the General Assembly Hall is not exactly full of representatives. Nevertheless, the Assembly is meeting once again at its resumed tenth emergency special session to reaffirm the illegality of Israel's construction of the separation wall in the occupied Palestinian territory and to strengthen the international community's commitment to the 9 July 2004 advisory opinion of the International Court of Justice on the illegality of the construction of the wall and the legal consequences arising from it.

In that regard, international efforts should be made to ensure the implementation of resolution ES-10/15, which requested the establishment of a register to document the damage inflicted on all natural and legal persons as a result of the construction of the wall. Such implementation is necessary to safeguard the legitimate rights of the brotherly Palestinian people, which have been violated by Israel, and, in particular, to end Israel's occupation since 1967 of Palestinian territory and to emphasize that the international community does not recognize changes on the ground made by Israel to affect territory and border issues through the establishment of an illegal separation wall.

Despite a two-year delay in the issuance of the Secretary-General's report (A/ES-10/361), we firmly support its recommendations relating to the establishment of the Register and to the General Assembly's undertaking the necessary action in that regard, based on the guidelines contained in draft resolution A/ES-10/L.20) submitted by the Arab Group and the Non-Alignment Movement.

The consequences of the construction of the wall are not limited to political and legal aspects, but also extend to its social and humanitarian impact on the lives of the Palestinian people, who have been additionally burdened by constraints on their freedom of movement, resulting in increased unemployment and economic hardship. The growing number of checkpoints has led to a decline in the level of medical services. That, coupled with the constraints imposed on movement, has led to an increase in the mortality rate. Palestinians' hope of living in humane conditions is dwindling as a result of continued Israeli violations of their human rights. Even as the United Nations calls for respect of those rights, Israel continues to violate them systematically, ignoring resolutions of international legitimacy and the rules of international law, including the 9 July 2004 advisory opinion of the International Court of Justice.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

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That advisory opinion emphasized the responsibility and obligation of Israel, the occupying Power, to return land and all immovable property seized from all natural or legal persons in the process of constructing the wall in the occupied Palestinian territory and to compensate the persons in question for the damage suffered. A register is thus required to assess the damage and collect claims by means of a comprehensive institutional framework that can safeguard the legitimate rights of the Palestinians and identify the nature of the damages that they have suffered with a view to assessing the losses and claiming compensation.

In this regard, I would like to underline the importance of establishing the office of the Register of Damage in accordance with regulations that will ensure that it has the highest degree of independence and impartiality in its work and of endowing it with the capacity to investigate the facts in an objective manner, identifying damage and establishing rights. Furthermore, in selecting staff for office of the Register, individuals should be chosen on the basis of their competence and integrity. Comprehensive public campaigns should also be undertaken by the United Nations to raise awareness among the Palestinian people about the establishment of the Register and to provide them with guidance about how to submit claims and register damage, especially during the initial phases following the adoption of the draft resolution today.

Egypt's position on the wall has been clear since the very beginning. We have emphasized its illegality and have warned about the danger that it poses and its potential consequences for the establishment of a viable and geographically contiguous Palestinian State.

Egypt has also warned about its potentially catastrophic consequences for the humanitarian situation of the brotherly Palestinian people and has stressed that security concerns do not justify the construction of the wall. Israel will not achieve security as long as it continues its occupation and settlement activities and as long as it continues to change the situation on the ground by force. The only way to achieve peace and security is through the implementation of a just and comprehensive settlement of the Arab-Israeli conflict based on the principle of land for peace, the Arab Peace Initiative of 2002, the relevant Security Council resolutions, especially resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), and the Road Map. We underline the importance of updating the Road Map in accordance with new time lines that guarantee the carrying out of final-status negotiations as soon as possible, in order to fulfil the aspirations of the Palestinian people and the whole international community for the establishment of an independent sovereign Palestinian State, with East Jerusalem as its capital.

The advisory opinion of the International Court of Justice has particular significance in the light of the efforts aimed at strengthening the rule of law at the international level and with regard to enhancing the possibilities of achieving a just, comprehensive and lasting peace in the Middle East through final-status negotiations.

Accordingly, we call on all parties to work towards that end, to promote the values of law and justice and to emphasize respect for international law and its applicability to all countries without discrimination, selectivity or double standards. By adopting draft resolution A/ES-10/L.20 today, the General Assembly will reaffirm that no State is above the law and that the achievement of peace requires a commitment to the rules of international legitimacy, relevant Security Council and General Assembly resolutions and the implementation of resolution ES-10/15 acknowledging the advisory opinion of the International Court of Justice.

Israel is obliged to respect the international will and refrain from hampering the work of the Register of Damage, cease construction of the wall and refrain from settlement activities, which undermine the prospects for peace and a two-State solution. This will lead to the strengthening of confidence-building efforts, for which Egypt is continuing to work with both parties, in an effort to achieve the release of the Palestinian prisoners in return for the abducted Israeli soldier, the release of Palestinian officials and parliamentarians and the consolidation of the ceasefire in Gaza and its extension to the West Bank, in order to create a favourable atmosphere for the resumption of negotiations and the start of final-status negotiations with a comprehensive and substantive vision for settling the conflict, based on the resolutions and terms of reference approved by the international community as embodied in the United Nations.

Mr. Al-Anazi (Saudi Arabia) (*spoke in Arabic*): The delegation of the Kingdom of Saudi Arabia

warmly thanks you, Madam President, for having reconvened this emergency special session. We support the statement made by Cuba on behalf of the Non-Aligned Movement.

On 9 July 2004, the International Court of Justice issued an advisory opinion on the construction of the separation wall in the occupied Palestinian territory. The Court said that it was contrary to international law and called on Israel to comply with its international commitments and to proceed immediately to dismantle the wall. It also called on Israel to repeal all laws and regulations relating to the construction of the racist separation wall. Furthermore, the International Court of Justice also said that Israel must make reparations for damage incurred by all natural or legal persons affected by the construction of the wall.

Historically, all advisory opinions issued by the Court since 1946 have been fully respected and complied with. Israel, however, continues to flout decisions and resolutions, regardless of their source. The question of the wall is such that the political, economic, humanitarian and legal consequences and implications are all interrelated. The construction of the racist wall has created legal problems, as well as social, economic, humanitarian and political problems.

The length of the wall is to be 700 kilometres. Fifty-one per cent of the wall has already been built. About 13 per cent is currently being built and 36 per cent has not yet been begun. More than 22 international humanitarian relief organizations have called for the implementation of the International Court of Justice advisory opinion. Amnesty International has said that construction of the wall has had extremely serious economic consequences, causing 60 per cent of the Palestinians to live below the poverty line of two dollars a day. The unemployment rate hovers around 50 per cent.

The wall being built in the occupied Palestinian territories is contrary to international law. That is a fact regardless of the arguments and justifications raised. The Security Council adopted its resolutions 478 (1980) and 497 (1981) on this very matter. Yet the occupying Power continues to violate these resolutions through the building of settlements between the Green Line and the racist separation wall. The settlements are illegal under international law and their existence is dependent on the wall, which is illegal. The occupying Power is seeking to establish an enduring de facto reality. The separation wall can never be legal and in conformity with international law unless it conforms to the Green Line.

In fact, the wall is a tool for ethnic cleansing, and an integral part of a broader policy whereby Israel reaffirms its racist aspirations and its intention to live by violating international law. Israel has to be either for or against international law; there is no middle ground here.

The construction of the wall has devastating consequences today, as it will in the future. Israel has been working on a "road map" of its own to prevent the establishment of a viable Palestinian political entity. Seventy-five per cent of the area in and around East Jerusalem and eighty-five per cent of the area of the occupied West Bank is affected. Israel is thus unilaterally imposing its own new reality on the land, turning the Palestinian territory into a few isolated and surrounded houses, so that no viable contiguous Palestinian entity can come about in the future. Israel's justification and pretexts for constructing the wall go beyond security concerns. It aims at plundering the wealth and water resources of the Palestinians and simultaneously displacing them.

Israel has destroyed or isolated around 90 water wells with a capacity of 7 million cubic metres of water, which the Palestinians have lost. The wall is also robbing the most fertile land from the West Bank, which of course worsens the living conditions of many Palestinian families who are barely surviving at the brink of the poverty line. That area used to produce 2,000 tons of olive oil per season but this figure is shrinking daily.

Israel's pursuit of building the wall is evidence of the failure of the United Nations ever since resolution 181 (II) was adopted. The wall plunders Palestinian property, destroys their orchards and uproots their trees. The wall is being built as a racist project with well-known financial sources and aims at tightening the screws on the Palestinian people, leaving most of the settlements in the West Bank within Israel, including East Jerusalem.

It is our conviction that if Israel believes that by building this separation wall it will feel secure, then it has taken the wrong road to that end, because however high and long the wall is, it will never make Israel more secure. Security can only come about through just and comprehensive peace.

We acknowledge that security is a legitimate requirement for the peoples of the region. Nobody can deny a people its right to be safe and secure, but we also have to recognize that the security of one people cannot be achieved at the expense of that of others.

Here, we would like to ask who really needs security and safety. Is it the occupying Power? Is it the State that is armed to the teeth and that has the most sophisticated and destructive weapons? Is it the country that possesses weapons of mass destruction? Is it the country that refuses to join the Treaty on the Non-proliferation of Nuclear Weapons (NPT) and that flouts the decisions of the General Assembly and the Security Council? Is it the country that violates the 1949 Geneva Conventions? Does that State have such a need for security that it must insert this cancer, the wall, into the heart of the Palestinian land?

We greatly appreciate the Secretary-General's work within the general framework of establishing the Register of Damage, even though it has taken some two years to reach this point. We trust that the Register will finally be established — and very soon, because the more time passes, the harder it will be to find material evidence of damage and the harder it will be to list displaced persons and persons who have suffered serious damage.

Meanwhile, the wall is inexorably being built in the face of indifference on the part of those who could end its construction and, consequently, of those who could stop Israel from annexing the land in that area and linking it to its infrastructure.

We call on all States Members of the United Nations to support draft resolution A/ES-10/L.20, on the Register of Damage, so that the Palestinians can recover their usurped rights. The suffering of the Palestinian people can be eased only if the hateful and deplorable wall and occupation are stopped.

Mr. Kabtani (Tunisia) (*spoke in Arabic*): Madam President, my delegation thanks you for having responded positively to the request to resume the tenth emergency special session of the General Assembly, to address the question of Israel's illegal actions and construction of the separation wall in the occupied Palestinian territory and in East Jerusalem.

We thank the Secretary-General for his report (A/ES-10/361), which came out after a delay of two years; it gives the general background for the establishment of the Register of Damage. This is related to the construction of the wall in the occupied Palestinian territory.

The International Court of Justice, in its advisory opinion of 9 July 2004, determined that the usurpation of Palestinian land by Israel places on Israel the

> "obligation to compensate ... all natural or legal persons having suffered any form of material damage as a result of the wall's construction". *(A/ES-10/273, para. 153)*

In that context, my delegation supports the Secretary-Genera's proposal to set up a Register of Damage at the site of the United Nations Office at Vienna that would report to the General Assembly and consider listed damage claims.

My delegation hopes that the United Nations bodies and specialized agencies, in particular the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the United Nations Development Programme, will cooperate with the office of the Register so as to facilitate its task and render it successful.

Successive reports of the Secretary-General, the advisory opinion of the International Court of Justice and international observers agree that the separation wall represents an effective expropriation of Palestinian land, that it isolates Palestinian territories from one another, and that it hampers the free circulation and movement of Palestinian persons and goods — a clear violation of international law, including the principle of the inadmissibility of the acquisition of the territory of others by force. We call on Israel to halt and cancel the construction of the wall, in accordance with resolution ES-10/15, adopted at the tenth emergency special session of the General Assembly on 20 July 2004.

Attempts to impose faits accomplis on the Palestinian people and forcibly to change the demographic and geographic character of the occupied territories, as well as the expansion of settlements, are factors that are hampering the peace process and the creation of an independent, viable and lasting Palestinian State.

The Middle East region today urgently needs goodwill initiatives to strengthen confidence-building between the two parties; it does not need separation walls. Security cannot be achieved by building

psychological or physical barriers, but through a genuine political will to engage seriously and responsibly in peace talks and in putting an end to the occupation, so that the Palestinian people can establish an independent State on their national soil, with Jerusalem as its capital, in accordance with international law and resolutions of international legitimacy.

In conclusion, my delegation hopes that the draft resolution before the Assembly will receive support from Member States.

Mr. Shiweva (Namibia): Madam President, allow me, on behalf of my delegation, to convey our gratitude to you for having convened this important meeting. My delegation associates itself with the statement made by the representative of Cuba on behalf of the Non-Aligned Movement. We also support the statement made by the ambassador of Palestine.

My delegation is pleased to participate in this tenth emergency special session to consider the item "Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory". We thank the Secretary-General for his report (A/ES-10/361) provided pursuant to paragraph 4 of resolution ES-10/15 of 20 July 2004.

It has taken the office of the Secretary-General more than two years to implement the decisions contained in paragraph 4 of the aforementioned resolution on this very crucial issue. Nevertheless, we appreciate the efforts of the Secretary-General to provide the General Assembly with a description of the institutional framework required for the implementation of the resolution, in accordance with the advisory opinion of the International Court of Justice of 9 July 2004 on the legal consequences of the construction of a wall in the occupied Palestinian territories, including in and around East Jerusalem.

It is no exaggeration to say that the construction of the separation wall has had devastating political, economic and humanitarian consequences for the people of Palestine. This is well documented in the landmark advisory opinion of the International Court of Justice, which determined the illegality of the construction of that wall. The advisory opinion requested the Government of Israel to stop further construction and to bring down the wall.

However, despite the ICJ opinion and overwhelming support for General Assembly resolutions affirming that opinion, Israel continues to expand its illegal activities, including the construction of the separation wall.

The establishment of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory is therefore of critical importance. We welcome and support this initiative, which, we hope, will lead to just compensation for the Palestinian people, in accordance with the applicable rules of international law.

But it is not enough to have a list of damages in numerical terms without an accompanying evaluation or an assessment of the value of the loss or damages. We would like to see simultaneous action in that respect.

Namibia concurs with the Secretary-General's proposal on the structure, function and headquarters of the office of the Register of Damage. We also support the idea of making the office of the Register of Damage a subsidiary organ of the General Assembly.

Finally, my delegation would like to urge the Government of Israel to adhere to international law and to stop and reverse the construction of the wall, as the latter violates the letter and the spirit of the Road Map and will make the two-state solution difficult, if not impossible, to implement. My delegation would like to reiterate its firm belief in the permanent responsibility of the United Nations regarding the question of Palestine in all its aspects and its ultimate resolution in accordance with the Quartet Road Map and relevant United Nations resolutions. In that regard, my delegation supports and co-sponsors the draft resolution submitted to the Assembly under this agenda item.

Mr. Alsaidi (Yemen): The Permanent Representative of Israel had the audacity this morning to call those who disagree with Israel's occupation of Palestinian and Arab lands the immoral automatic majority. That is unacceptable. We are neither contesting the fact that great injustice was done to Jews nor are we denying the Holocaust. What we are doing here is contesting the occupation and its consequent brutalization of the people in the occupied lands. It is occupation that is immoral, for, just as it brutalizes the occupied, it corrupts the occupier. A return to civil discourse would be wise and more efficacious.

(*spoke in Arabic*)

I should like to extend to you, Madam President, our sincere gratitude for your positive response to the request for the resumption of the tenth emergency special session of the General Assembly, to follow up on the implementation of the 9 July 2004 advisory opinion of the International Court of Justice regarding the expansionist wall in the occupied Palestinian territories, including East Jerusalem. We would also like to welcome the report of the Secretary-General (A/ES-10/361) regarding the establishment of a Register of Damage resulting from the construction of the expansionist wall and to express our support for the establishment by the General Assembly of the office of the Register of Damage.

In response to General Assembly resolution A/ES-10/14 of 8 December 2003, requesting an advisory opinion of the International Court of Justice concerning the illegality of the expansionist wall constructed by Israel inside the occupied Palestinian territories, including in and around East Jerusalem, the Court has expressed its firm opinion that the construction of the wall is not in keeping with Israel's duties as an occupying force and that it prevents the Palestinian people from enjoying their right to self-determination. The wall is also an attempt to impose a fait accompli and to confiscate Palestinian territories. In this context, former United States President Jimmy Carter — the architect of the Camp David accords — in his valuable book entitled *Palestine: Peace Not Apartheid* writes that the wall

(*spoke in English*)

> "is projected to be at least three and a half times as long as Israel's internationally recognized border, and already cuts directly through Palestinian villages, divides families from their gardens and farmland".

He writes that, among other Palestinian towns and villages, the wall has encircled "around 170,000 citizens of Bethlehem, the birthplace of Jesus".

(*spoke in Arabic*)

Those measures are in violation of international law and represent a failure of Israel to fulfil its duties as an occupying Power. As Israel continues to construct the expansionist wall, the authorities in charge continue to establish new settlements and to expand existing ones. In this regard, paragraph 19 of the Secretary-General's report (S/2006/956) of 11 December 2006 indicates that, during Mr. Kofi Annan's term of office, the number of Israeli settlers living in the West Bank — excluding East Jerusalem — has grown from 140,000 to 240,000. The number of settlers in occupied East Jerusalem has also increased over the same period from 160,000 to 190,000.

The area currently confiscated for settlements officially occupies — according to Israeli law — about 40 per cent of the entire area of the West Bank, not including East Jerusalem. In paragraph 19 of the report, the Secretary-General states that "in the decade and a half after the Oslo Accords, Israel more than doubled its physical presence in the West Bank", concluding that this "remains the single biggest impediment to realizing a viable Palestinian State with territorial contiguity".

Former United States President Jimmy Carter is in agreement with the Secretary-General, writing that

(*spoke in English*)

> "It is obvious that the Palestinians will be left with no territory in which to establish a viable State .... The Palestinians will have a future impossible for them or any responsible portion of the international community to accept".

(*spoke in Arabic*)

These facts unequivocally refute the Israeli leadership's claim that Israel wants to see the establishment of a Palestinian State, living side by side with Israel in peace and harmony. We wonder how peace and harmony could prevail given that the rights of the Palestinian people are being violated and their lands stolen. Here, I would like to quote again from President Carter's valuable book. He writes:

(*spoke in English*)

> "Some showed us the wreckage of their former homes, which have been demolished by Israeli bulldozers and dynamite, with claims by Israel that they had been built too near Israeli settlements, on property needed by the Israeli Government, or that some member of the family was a security threat.
>
> "In assessing these claims, the Israeli human rights organization B'Tselem explained that on average, 12 innocent families lost their homes for every person accused of participation

in attacks against Israelis, with almost half of the demolished homes never occupied by anyone suspected of involvement in any violent acts against Israel, even throwing stones".

(*spoke in Arabic*)

The continued construction of the wall represents an insurmountable obstacle to the movement of Palestinian citizens. It hinders children's efforts to go to school and prevents the elderly and women from receiving the medical care that they need. Israel must abide by international law and norms. It should also heed the advisory opinion of the International Court of Justice and immediately end its construction of the expansionist wall, which it is continuing to build on occupied Palestinian territory, including East Jerusalem. It is also incumbent upon Israel to remove the parts of the wall that have already been built and to repeal all laws and other legislation relating to its construction. Israel, as the occupying Power, must make reparations for the damage caused to the Palestinian people and their property by the construction of the expansionist wall. It should also return all agricultural and other lands confiscated for that purpose.

In that connection, so that members may know the facts, I should like to quote once again from book by former President Jimmy Carter to cite examples of the suffering of the Palestinians, including Palestinian Christians:

(*spoke in English*)

"The wall ravages many places along its devious route that are important to Christians. In addition to enclosing Bethlehem in one of its most notable intrusions, an especially heartbreaking division is on the southern slope of the Mount of Olives, a favourite place for Jesus and his disciples, and very near Bethany, where they often visited Mary, Martha, and their brother, Lazarus. There is a church named for one of the sisters, Santa Marta Monastery, where Israel's thirty-foot concrete wall cuts through the property. The house of worship is now on the Jerusalem side, and its parishioners are separated from it because they cannot get permits to enter Jerusalem. Its priest, Father Claudio Ghilardi, says, 'For nine hundred years we have lived here under Turkish, British, Jordanian, and Israeli governments, and no one has ever stopped people coming to pray. It is scandalous. This is not about a barrier. It is a border. Why don't they speak the truth?'

"Countering Israeli arguments that the wall is to keep Palestinian suicide bombers from Israel, Father Claudio adds a comment that describes the path of the entire barrier: 'The Wall is not separating Palestinians from Jews; rather Palestinians from Palestinians.' Nearby are three convents that will also be cut off from the people they serve. The 2,000 Palestinian Christians have lost their place of worship and their spiritual center."

(*spoke in Arabic*)

Finally, I should like to reiterate that the policy of fait accompli adopted by Israel during its occupation of the Palestinian territories has proved a total failure. Israel's construction of the expansionist wall in order to impose a new fait accompli will not undermine the inalienable rights of the Palestinian people. All will not be well and peace will not prevail in the region until the international community explicitly and unambiguously rejects the logic of forcibly annexing the lands of others and imposing a fait accompli. The facts of life of our times do not accord with that sort of logic. Israel must realize that. It must recognize the right of the Palestinian people to self-determination and to establish their own independent State, with East Jerusalem as its capital. It must withdraw its forces from the Arab territories it has occupied since 1967, including the Syrian Arab Golan and the occupied Lebanese territories.

Mr. Akram (Pakistan): Pakistan shares the view, which has been expressed by the International Court of Justice and by the General Assembly, that the construction of the separation wall by Israel in the occupied Palestinian territory is illegal. Israel must halt and reverse the construction of the separation wall.

The illegal nature of the construction of the wall was clearly established by the 9 July 2004 advisory opinion of the International Court of Justice. The Assembly, in its resolution ES-10/15, adopted at the emergency special session on 20 July 2004, demanded that Israel, the occupying Power, comply with its legal obligations as set out in the advisory opinion. The same resolution requested the Secretary-General to establish a register of damage caused to all natural or

legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion.

It is unfortunate that Israel, in complete disregard of the legal opinion of the International Court and in defiance of the clear and strong demand of the international community, is continuing the construction of the wall. That has had two obvious and major consequences. First, it has caused massive human suffering to the Palestinian people and further aggravated their plight. The wall has not only robbed them of their lands, properties and livelihoods; it has also denied the Palestinian population the right to free movement and access to economic opportunities, basic social services, humanitarian assistance and, in many cases, their own homes and lands.

Secondly, and in a wider perspective, the construction of the wall, as the International Court also determined in its advisory opinion, has created a fait accompli on the ground that could well become permanent, in which case — and notwithstanding the formal characterization of the wall by Israel — it would be tantamount to de facto annexation. The Court also determined that the construction of the wall severely impedes the exercise by the Palestinian people of its right to self-determination and is therefore a breach of Israel's obligation to respect that right. The Court also determined that the construction of the wall and its associated regime have led to the destruction or requisition of properties and, further, that the infringement of the rights of the Palestinian people resulting from that route cannot be justified by military exigencies or by the requirements of national security or public order.

The continued construction of the wall, therefore, poses a major obstacle to, and undermines, the objective of a just and lasting solution to the Palestinian question through the establishment of an independent, viable and geographically contiguous Palestinian State with Al-Quds al-Sharif as its capital. Without a just Israeli-Palestinian settlement based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), the prospects for peace and stability will remain dismal throughout the entire Middle East region.

The report of the Secretary-General submitted to the General Assembly pursuant to resolution ES-10/15 (A/ES-10/361), although extremely belated, is the basis for the convening of this emergency special session. Accordingly, the Assembly is meeting to establish the United Nations Register of Damage, which will serve as a comprehensive record of the damage caused to all natural and legal persons concerned as a result of the construction of the wall by Israel.

Such a record is indeed necessary for the fulfilment by Israel of its obligations to make reparations, including restitution and compensation, for the damages caused by the construction of the wall, in accordance with the rules and principles of international law. At the individual level, the Register will perhaps be the only ray of hope for justice for those among the Palestinian people who are adversely affected by the wall.

Pakistan fully supports the draft resolution A/ES-10/L.20, submitted by the Arab Group and sponsored also by the Non-Aligned Movement. In our view, in deciding to establish the Register of Damages, this Assembly will not only be following up on the implementation of its own resolutions and thus shouldering its responsibility towards the Palestinian people, but more important, it will be upholding the supremacy of the rule of law which is essential for the construction of peace in the Middle East and throughout the region.

Mr. Sahel (Morocco) (*spoke in French*): I wish to extend a message of peace, concern and hope from this rostrum on behalf of the Kingdom of Morocco at this resumed tenth special session of the General Assembly devoted to illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territories.

First, my message is one of peace, because the peoples of the region and the Palestinian people in particular have suffered far too much from decades of tension, war, deprivation and the denial of their individual and collective rights.

My message is one of concern, in view of the progressive worsening of the economic, social and humanitarian situation of the Palestinian people and the growing despair among young Palestinians due to a lack of political future and a conflict that has lasted far too long.

Finally, it is a message of hope, because despite everything, I remain convinced that, in spite of the burden of years of suffering, the peoples of the region have the ability to overcome their differences and to

forge a common future. We must help them do that. That is the responsibility of the General Assembly, and that is why our discussion is of particular importance.

Regional disputes can be resolved through dialogue, consultation, negotiation and a consensual approach based on respect for international law. Peace cannot be forged on illegal and punitive actions aimed at separating and dividing people rather than bringing them together. That is the basis of the approach adopted by the International Court of Justice in its advisory opinion of 9 July 2004, in which it clearly indicated that

> "The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law". (*A/ES-10/273, para. 163*)

The International Court of Justice also considered that Palestinians should be provided reparation for damages suffered as the result of the construction of the wall.

With that in mind, the General Assembly, in its resolution ES-10/15 of 20 July 2004, demanded "that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion" (*para. 2*).

The General Assembly also decided to establish a register to record claims for reparations. Unfortunately, the establishment of the register in Vienna will make it difficult to record the suffering of the Palestinian people as their living conditions continue to worsen.

The construction of the separation wall not only has seriously jeopardized the possibilities for lasting peace, but has also led to a serious humanitarian crisis by placing restrictions on the freedom of movement of the Palestinian people to such an extent that Mr. Jan Egeland, United Nations Emergency Relief Coordinator, has described this situation as a true time bomb.

Even so, we still need to recall that three quarters of the population depends on food assistance. Growing measures aimed at restricting and even halting the freedom of movement have had a considerable impact on the enjoyment of human rights including access to water and the functioning of hospitals, schools, public services and farming activities. Families have been separated and numerous Palestinians living near the wall have had to leave their homes, becoming displaced persons in their own country.

What better example can we cite regarding the extent of the damage caused by this unilateral measure of the Israeli Government than the comment made by Claudio Ghilardi, a priest from the Santa Marta monastery, whose property has been divided by the wall? He responded to the allegations of the Israeli authorities who have attempted to justify the building of the wall as a means to protect their country from suicide bombers by saying that the wall is not separating Israelis from Palestinians, but Palestinians from Palestinians.

In the end, normal daily life has become frozen. Of course, all of these measures imposed by Israel violate the principles of international law and are forms of unacceptable and reprehensible collective punishment.

The Palestinian people thirst for respect and dignity. The security imperatives of some cannot be achieved by denying the right to dignity of others. Peace is forged by taking account of the interests of all. Continued construction of the separation wall in spite of the opinion of the International Court of Justice and the changes that the landscape of East Jerusalem is currently undergoing do not proceed from an approach that aims to make peace a priority. On the contrary, it crystallizes hate by denying the rights of others.

The Kingdom of Morocco fervently hopes to see peace prevail and trust restored. For that to occur, justice must be granted to the Palestinian people and their right to a State with Al-Quds al-Sharif as capital must be recognized.

This noble and proud people must be supported in the grave humanitarian crisis that has been imposed upon it. We call upon the General Assembly unequivocally to support the United Nations Register of Damages caused by the construction of the wall, which we hope will be an effective and transparent mechanism for reparations for the benefit of the Palestinian people. That will require appropriate cooperation from all the United Nations entities concerned.

The support that the General Assembly will not fail to provide to draft resolution A/ES-10/L.20, on which it will take action at the end of our debate will once again send a strong collective message that law

will prevail over force, and that dialogue and peaceful coexistence among peoples will prevail over denying the rights of others to live in peace and security in a safe and viable State. That is the message of solidarity, unity and peace for the children of Palestine that I address to this Assembly today.

Mr. Sen (India): Madam President, I thank you for reconvening this emergency special session of the General Assembly to discuss the establishment of a register of damages arising from Israel's construction of a separation wall in the occupied Palestinian territory.

The legal issues that underpin this debate are clear and have been so ever since the International Court of Justice ruled unambiguously in paragraph 142 of its advisory opinion of 9 July 2004 (A/ES-10/273) that "the construction of the wall [is] contrary to international law". The steps that are to be taken to reverse this illegality are also stated in the same advisory opinion, as is our obligation as members of the international community not to recognize the illegal situation arising from that construction. The International Court of Justice then remitted the matter back to the United Nations, and especially the General Assembly and the Security Council, to consider — as stated in paragraph 160 — what further action would be required to "bring to an end the illegal situation resulting from the construction of the wall".

However, we lack the same level of precision and clarity regarding the further action that we as the United Nations are required to take to bring to an end this illegal situation. The establishment of a Register of Damage is only one part of the measures that we can consider. What we undertake today must therefore be set against a number of other appropriate legal and political measures, in consultation with all concerned, as part of a larger vision of establishing a just, comprehensive and lasting peace in the Middle East.

In that context, several opinions have been expressed here today, and we have before us both a report of the Secretary-General and a draft resolution. The minutiae of the recommendations of the Secretary-General regarding the location of the office of the Register of Damage, its composition and its privileges need not detain us here; it is the question of the nature of the body, its powers and its mandate that is crucial.

We understand the argument that the Register must be more than a receiving and processing office for complaints. It must be able to establish the credibility of such complaints and, in so doing, it must serve as a symbol for the redressal of grievances. There is merit in calling for the office of the Register of Damage to help raise awareness of the rights of those who have lost property, access to family or means of earning their livelihood, and to help them seek compensation. There is no doubt that Israel is required to compensate those who have lost property through the construction of the wall; indeed, the advisory opinion states as much, and the payment of compensation by Israel under its own laws suggests that this point is not contested.

However, there is also merit in carefully considering the complex questions posed as a result of the United Nations establishing a body, at a not inconsiderable cost, that would have judicial powers and the power to award damages. Resolving these complex questions will require more than just discussions in this forum; it will require a reasoned, balanced and forthright dialogue between those concerned, with the assistance of the international community wherever necessary.

While we are in favour of the draft resolution that is before us today, as it is a measure that could provide solace to those aggrieved by the loss of property, I should underline that the establishment of the Register of Damage is in itself not a complete solution to the complex problem posed by Israel's construction of the separation wall. Those issues should be resolved in tandem with other confidence-building measures as part of an overall effort to achieve a just, lasting and comprehensive peace in the region.

The separation wall divides villages, families, students and patients from schools and hospitals, and farmers from fields. The International Court of Justice recognized in paragraph 121 of the advisory opinion that the area between the Green Line and the separation fence means that "the construction of the wall and its associated regime create a 'fait accompli' on the ground that could well become permanent, in which case, ... it would be tantamount to de facto annexation" of Palestinian land.

The Israeli anthropologist Jeff Halper is concerned that policies resulting in "reconfiguration of the country from two parallel north-south units — Israel and the West Bank, the basis of the two-state

idea — into one country, integrated east-west" would make a two-state solution enormously difficult.

Therefore, while urging Israel to stop the construction of this wall, which may prejudice the contours of the much-awaited two-state solution, we urge both sides to the dispute, as well as all other relevant parties, to address this longstanding problem and to redouble efforts to enable a solution to emerge through political dialogue. The absence of any meaningful political dialogue is not, of itself, enough reason to cease persevering in efforts to find a peaceful solution. Since there is no alternative to a meaningful dialogue, we support the call of the Secretary-General upon all sides to consider innovative ways to fully implement the Road Map which would lead, without delay, to a just, fair and equitable solution to this conflict, based on all relevant United Nations resolutions, including Security Council resolutions. We also call upon the Quartet and all relevant regional players to work to de-escalate the situation and end the cycle of violence and counter-violence.

Mr. Sadeghi (Islamic Republic of Iran): Madam President, I wish to begin by joining previous speakers in thanking you for having resumed the tenth emergency special session of the General Assembly to follow up the demand made by the Assembly in 2004, in paragraph 4 of its resolution ES-10/15, to establish a Register of Damage caused by the Israeli regime's construction of the illegal wall in the occupied Palestinian territory.

The construction of the unlawful separation wall is yet another flagrant crime committed by the Israeli regime against the Palestinian people and has made clear once again that regime's aggressive and criminal nature, together with its complete defiance and contempt for the most basic principles of international law and international humanitarian law.

Despite the unambiguous opposition of the international community to the construction of that illegal wall, the Israeli regime, with war crimes and crimes against humanity as its signature brand of aggression, occupation and state terrorism, has continued and even expanded the construction of the illegal separation wall with full impunity. It has therefore added to the suffering and the difficult plight of the Palestinian people, who, at the same time, have been suffering, and continue to suffer, from other Israeli atrocities such as the appalling massacres, extrajudicial killings, home demolitions and atrocious acts of abduction that have taken place.

In flagrant defiance of the International Court of Justice's advisory opinion, and in full contempt for the Assembly's resolution — both of which reaffirm the illegality of the construction of the wall and call for construction to cease and the wall to be dismantled, the Israeli regime continues to build it, with ever more Palestinian properties being destroyed and ever more land confiscated, almost on a daily basis.

In its advisory opinion, the International Court of Justice clearly determined that the construction of the wall in the occupied Palestinian territory, and its associated regime, are contrary to international law and should therefore be ceased, and the wall dismantled.

Along with the rest of the international community, we remain deeply concerned at the grave violations of international law, including the Fourth Geneva Convention, represented by the Israeli regime's continued construction of the wall, among which are the destruction and confiscation of land and property; violations of the freedom of movement of the Palestinian people and of their right to work, worship, health, education and adequate living standards; and the eviction of Palestinian civilians from their homes and lands, shattering apart their families.

The international community must hold the Israeli regime accountable for its illegal and criminal actions in the occupied Palestinian territory, and, as the Court also demanded in its advisory opinion, that regime must terminate its breaches of international law; cease forthwith the works of construction of the wall; immediately dismantle the structure; and repeal or render ineffective forthwith all legislative and regulatory acts relating thereto.

The Security Council, which has been persistently incapacitated by the actions of one of its permanent members with respect to taking any meaningful action with regard to the Israeli regime's crimes, including those related to the construction of the illegal wall, must act responsibly and compel that regime to bring its occupation of the Palestinian and other Arab territories to an end. That regime should also be obliged by the Council to put an end to its war crimes in the region and to cease the construction of the wall and dismantle it.

Based on the Court's opinion, the Israeli regime is also under an obligation to make reparations for all damages caused by the construction of the unlawful wall in the occupied Palestinian territory. In that regard, the General Assembly, in its resolution ES-10/15, requested the Secretary-General to establish a register of damage caused to all natural or legal persons concerned, in connection with paragraphs 152 and 153 of the advisory opinion. The international community has long waited for concrete steps to be taken to meet this legitimate demand of the Palestinian people and for such a mechanism to be established so that reparations, including restitution and compensation, would be made for the damages caused by the construction of the wall.

In that connection, we have noted with appreciation the measures already taken or under way to establish this long-awaited register. We therefore thank the Secretary-General for his report of 17 October 2006 (A/ES-10/361), on the establishment of the Register of Damage, and look forward to more concrete steps to be taken in that regard to make that mechanism fully operational. Indeed, through the adoption of the draft resolution before the Assembly today (A/ES-10/L.20), another essential step in that regard will be taken.

We share the view that the Register of Damage should include comprehensive documentation of all damages that have been inflicted on the Palestinian people because of the construction of the unlawful wall. Moreover, we are of the view that those damages should be accurately and thoroughly documented, as that is important for making reparations, including both restitution and compensation, to the Palestinian people.

Undoubtedly, the verification and assessment of damages are important steps in the process and should therefore be undertaken as soon as possible to expedite the reparations. We support the idea that the verification and assessment of damages should be carried out in tandem with the collection of damage claims and should not be postponed to a later date, which might complicate and unnecessarily prolong the whole process.

Indeed, if the Register of Damage is to carry out the responsibilities entrusted to it, the cooperation of United Nations bodies and agencies — particularly those with a presence in the field — is of paramount importance. We also believe that, as noted in the statement made by the representative of Cuba on behalf of the Non-Aligned Movement, the Register of Damage should work with effectiveness and use with efficiency the resources that Member States allocate to this mechanism, that all verifiable claims should be duly registered and that the losses and damage caused by the unlawful wall should be assessed and reparations made in a timely, impartial and objective manner. In addition, the Register of Damage should remain open for claims as long as the separation wall exists and until the unlawful wall is dismantled and reparations are fully and completely made.

Before concluding, I wish to reiterate that, although important, the establishment of the Register of Damage is only one aspect of the unjust situation created by the construction of the wall. This dire situation will be fully rectified in its entirety only when the construction of the wall is halted, the parts already completed are dismantled and full reparations are made to the Palestinian people.

Mr. Sardenberg (Brazil): I wish to thank you, Madam President, for convening this timely meeting.

While recognizing the legitimate right of States to self-defence, in accordance with Article 51 of the United Nations Charter, Brazil believes that Israel's unilateral decision to build a separation wall in the occupied Palestinian territory cannot be justified and amounts to a disproportionate response to potential threats to the security of Israel. That view is reflected in the advisory opinion of the International Court of Justice on the matter, which has been endorsed by General Assembly resolutions.

Brazil is deeply disturbed by the building of the wall, as it entails countless violations of international law, including international humanitarian law. In addition, it violates the rights of the Palestinian people, as it affects their lands and causes extensive destruction of Palestinian property and infrastructure. It destroys crops and dwellings and separates families. It jeopardizes the full realization of the human rights of the Palestinians and victimizes the civilian population.

Furthermore, the building of the separation wall, in conjunction with other military actions by Israel in northern Gaza in recent months, worsens an already tense situation and further fuels violence. The wall is also a barrier to the long-term prospects for a peaceful settlement to the Israeli-Palestinian conflict.

Politically, the wall is clearly divisive and contrary to the spirit of confidence-building that should permeate the peace process and the ceasefire agreement recently adopted by the parties. It increases the sense of despair and frustration among the Palestinian people, who already suffer from extensive hardships imposed by checkpoints and roadblocks set up even inside the occupied Palestinian territories. Its construction is widely regarded as an attempt to create a fait accompli and to predetermine the outcome of the final-status negotiations between Israel and the Palestinian Authority. It is also viewed as intended to promote the illegal incorporation by Israel of considerable portions of Palestinian territory, which we categorically reject.

Israel should dismantle the wall and return to the Palestinians their lands and other properties. We also believe that Israel should make compensation for all ensuing damages.

Brazil is of the view that it is the responsibility of all States Members of the United Nations to assist in the task of implementing the existing resolutions on this matter and to ensure respect for international humanitarian law. In that connection, we support the creation of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory. We believe that it will not serve its purpose if it becomes merely a list or record in documentary form of grievances presented by the Palestinians, as suggested in the Secretary-General's report (A/ES-10/361). It should act as a proto-compensation commission so as to prepare the way for a future full claims-resolution facility. It should be an organ entitled to confirm the existence of a nexus of causality between the wall and the damage sustained by the Palestinians.

The creation of a free, democratic and economically viable Palestinian State in accordance with the legitimate aspirations of its people, as established in Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), among others, and within internationally recognized borders is a sine qua non condition for ensuring peace and stability to the Middle East.

Brazil stresses the need to put in motion a political process with precise timetables for the development of a strategy that, while addressing the underlying causes of the conflict, brings to fruition the vision of two democratic States, Israel and Palestine, living side by side in peace and security. Such a strategy should take into account the Quartet Road Map, the Madrid terms of reference, the principle of land for peace and the Arab Peace Initiative.

Those are the main reasons why we will vote in favour of draft resolution A/ES-10/L.20, presented by the Arab Group and other sponsors.

Mr. Yousfi (Algeria) (*spoke in French*): First of all, I would like to say that my delegation associates itself with the statement made by the representative of Cuba on behalf of the Non-Aligned Movement.

I would also like to highlight the stubborn fact that, as we have seen over the years and in the light of the many reports and studies on the situation in the occupied Palestinian territory that reach the same bitter conclusion, there is, on the one hand, a Palestinian people suffering from abuse and daily humiliation and humanitarian tragedy because of the practices of the occupying Power, and on the other hand, the impunity that Israel enjoys as it flagrantly violates human rights and international humanitarian law and its disdain for the principles and purposes of the Charter of the United Nations and the relevant resolutions of the General Assembly and the Security Council, thereby de facto placing itself above international law.

It is against this the backdrop of abuse and injustice that we see Israel's actions in recent years, as it builds a so-called separation wall that is worthy of the practices of apartheid. As it enters into this new kind of aggression against the Palestinian people, the occupying Power has once again invoked the pretext of self-defence and the fight against terrorism, arguments rightly rejected by the International Court of Justice in its advisory opinion of 9 July 2004. In so doing, Israel forgets, as usual, that these restrictive measures, which actually transform the Palestinian territory into an immense prison, simply feeds the hatred and encourages radicalization of views and positions about an occupation that is becoming increasingly intolerable to the Palestinian people and thus cannot ensure the security goals that Israel is supposedly seeking to achieve.

The impact of the construction of the wall were immediately apparent and crystal-clear; it puts at even further remove any prospect of attaining the goal of establishing a viable Palestinian State within secure and internationally recognized borders, living side by

side with its neighbours in peace and security — a goal that Israel claims to be committed to. The impact has also been brutal for the population and economic, social and cultural infrastructure of Palestine. Access rights to medical care and to water, even drinking water for the home, have not been spared, and in the West Bank, the most fertile agricultural lands have been illegally expropriated, and cities, towns and villages have found themselves isolated.

Moreover, the route of the wall, which infringes on Palestinian land, in violation of international law, confirms the occupying Power's annexationist intentions and increases doubts about Israel's sincerity about the search for peace and stability in the region. The route, indeed, seeks to make the annexation of East Jerusalem irreversible, which is a violation of Security Council resolution 478 (1980), which declared such an annexation null and void.

The tragedies that have resulted from construction of this separation wall, added to those caused by the daily repression that has spared neither the civilian population nor the basic infrastructure, challenge the international community to do everything possible to compel Israel to comply with the rules of international law, including international humanitarian law and, in particular, the Hague Convention of 1907 and the Fourth Geneva Convention of 1949. In this regard, we find it regrettable that it has been three years now since the International Court of Justice, pursuant to resolution ES-10/14 of 8 December 2003, issued its advisory opinion on the consequences of the construction by Israel of the separation wall in occupied Palestinian territory, and nothing has been done to ensure implementation of the opinion to compel Israel to comply with it. Worse still, Israeli leaders have not hesitated to reject the opinion and, as though nothing had happened, continued building the wall, which I would call a wall of shame.

Yet, in its opinion, the International Court of Justice not only noted that the construction of the wall was contrary to Israel's international obligations and that the occupying Power has the obligation to immediately stop construction work on the wall, but it also reaffirmed Israel's obligation to make reparation for all damage done to natural or legal persons concerned. Moreover, the Court deemed that Israel is obliged to restore property that was seized and to provide compensation to the victims of the illegal expropriations for the harm suffered.

Unfortunately, the strong and clear opinion of the International Court of Justice did not lead the Security Council, the body principally responsible for the maintenance of international peace and security, to shoulder its responsibilities and take the necessary steps to end the illegality into which Israel had entered by the construction of the separation wall.

My delegation was particularly pleased to see that the Secretary-General, after a lengthy delay, finally submitted on 17 October 2006 the report that had been asked of him by the General Assembly in its resolution ES-10/15 of 20 July 2004, on the establishment of a register of damages caused to all natural or legal persons as a result of the construction of the separation wall, in connection with paragraphs 152 and 153 of the International Court of Justice advisory opinion.

Obviously, my delegation would not be interested in establishing a register with questionable membership, weak powers and limited flexibility, one which some parties would be tempted to lock into the thankless role of a room for registering complaints that are doomed to be forgotten, and which would ultimately be another disappointment for the Palestinians.

We call on Member States to unequivocally support draft resolution A/ES-10/L.20, on the establishment of the Register. In so doing, it is our hope that, as a subsidiary organ of the General Assembly, it will have strong powers, a clear mission and adequate human and material resources to enable it to do its work so that it will not disappoint the expectations of the natural or legal persons who have suffered from arbitrary action by Israel.

We sincerely hope that the Register will be able to do its comprehensive work in registering applications, verifying them and assessing damage caused by the construction of the wall, with a view to providing adequate reparations to applicants, inter alia, through restitution of their property or compensation for damages done, in accordance with international law, international humanitarian law, the Fourth Geneva Convention of 1949, all United Nations resolutions on the question of Palestine and, of course, the 9 July 2004 advisory opinion of the International Court of Justice.

Mr. Seck (Senegal) (*spoke in French*): My delegation would like to thank Secretary-General Kofi Annan for his outstanding and timely report

(A/ES-10/361), which provides the relevant institutional framework for the establishment of a register of damage to all natural or legal persons concerned caused by the construction by Israel, the occupying Power, of the wall in occupied Palestinian territory, including in and around East Jerusalem. The establishment of such a register will be an important step forward, as it will undoubtedly mark an important turning point in the implementation of the 9 July 2004 advisory opinion of the International Court of Justice, regarding the legal consequences of the construction of a wall in the occupied Palestinian territory, including in and around East Jerusalem.

By adopting resolution ES-10/15 on 20 July 2004, by an overwhelming majority, the General Assembly demanded that Israel cease its construction of the wall in the occupied Palestinian territory, including in and around East Jerusalem, and called for a return to the situation prevailing prior to construction, given that the construction did not follow the 1949 Armistice Line and violated the relevant provisions of international law. Today, thousands of Palestinians are separated from their families, lands and places of employment because of the construction of the wall. The building of separate road systems for Israelis and Palestinians and the accelerated construction of the wall have further limited the freedom of movement of Palestinians, thereby worsening the encirclement and isolation of Palestinian land.

Recently, following her first visit to Israel and the Palestinian territories as United Nations High Commissioner for Human Rights, Ms. Louise Arbour could not check her frustration and bitterness, and vigorously denounced the severe impact of the wall and the system of checkpoints on the lives of Palestinians. She saw for herself flagrant violations of human rights against the Palestinian people.

The living conditions in the occupied Palestinian territories have in fact deteriorated seriously since the imposition of a sanctions regime, as a result of which the principal donors have stopped funding the Palestinian Authority. The Authority now faces insurmountable difficulties, which have resulted, among other things, in the failure to pay employees, disruption in public services and the worsening of the socio-economic situation.

The time has now come to intensify efforts to establish the necessary conditions for the immediate resumption of negotiations between the parties, with the participation of the Quartet and within a very clear timetable. We believe that future negotiations must draw on past achievements. A very clear plan is in place for a final settlement based on the relevant resolutions of the Security Council — resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003) — as well as other resolutions and decisions adopted by representative bodies of the international community.

We urge the Israeli authorities to respond positively to the readiness of Mr. Mahmoud Abbas, President of the Palestinian Authority, and to halt military operations, arrest campaigns, the imposition of curfews and restrictions on the movement of the civilian population. Senegal urges the international community to pressure Israel to strictly apply the advisory opinion of the International Court of Justice and General Assembly resolutions reaffirming the right of the Palestinian people to self-determination, to immediately stop the building of settlements for Israelis and to begin to dismantle the wall of separation.

My country very much hopes that the decisions and recommendations contained in draft resolution A/ES-10/L.20, which is now before us, will help to promote efforts aimed at ensuring that law and justice prevail.

In conclusion, my delegation would like to reaffirm that it is essential that, with the assistance and support of the international community, the main actors continue to ensure that reason and dialogue prevail in our efforts to find a peaceful and lasting solution to the Palestinian question. That solution should be a negotiated settlement that respects the legitimate rights of the Palestinian people and the dignity of the Arab population of the occupied territories, and that respects the inalienable rights of the Palestinian people to self-determination and to the establishment of their own State with East Jerusalem as its capital, living side by side with the State of Israel.

The President: Before we proceed, I would like to draw the attention of members to revised draft resolution A/ES-10/L.20/Rev.1, which has now been issued in all languages, as well as to the report of the Fifth Committee issued in English only under document symbol A/61/625/Rev.1, regarding the

programme budget implications of the draft resolution. The two documents are now being distributed desk-to-desk in the Hall.

Mr. Jenie (Indonesia): At the outset, my delegation would like to associate itself with the statement made by the representative of Cuba on behalf of the Non-Aligned Movement.

On 9 July 2004, the International Court of Justice (ICJ) handed down a historic opinion on the issue of the legality of the wall, categorically declaring its construction and the associated regime in the occupied Palestinian territory to be illegal and contrary to international law. The ICJ said that, consequently, Israel must halt the construction and immediately dismantle the relevant parts of the wall. Furthermore, the Court requested Israel to provide compensation to Palestinian landowners for damage caused by its illegal acts.

Following the landmark decision of the Court, this body, in another historic decision, on 20 July 2004 strengthened the authoritative findings of the principal judicial organ of the United Nations on the illegality of the construction of the wall and its associated regime by adopting resolution ES-10/15, in which it requested the Secretary-General to establish a register of damage. It was clear from that day, however, that there would be a long way to go before justice was achieved for the Palestinian people affected by the construction of the wall. That was due to Israel's continuing refusal to recognize either the advisory opinion of the Court or the resolution of the Assembly. What we have seen since then is the obstinacy of the Israeli Government in continuing construction despite the opposition of the international community. We express our deepest concern about that.

The summary report on the October 2006 Consolidated Appeal Process prepared by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) describes the humanitarian situation of the Palestinian people in the occupied Palestinian territories, which has sharply deteriorated. According to that report, the population of Gaza is undergoing a virtual siege of historic dimensions. The Gaza Strip and the West Bank have become increasingly isolated from each other as movement and access within and into those areas have become more difficult. That is a result of Israel's continued heavy-handed military measures and its unilateral policies of establishing physical barriers in the form of checkpoints and roadblocks, as well as the construction of the wall, which is planned to be 703 kilometres in length. The combination of those illegal acts severely hampers the availability of access to improved standards of living in the occupied Palestinian territories, thereby worsening the dire humanitarian situation of the Palestinian people.

It is against that backdrop that the Assembly is meeting today to adopt the overdue recommendation of the Secretary-General on establishing a database of damage caused as result of the construction of the wall by Israel. We believe that the time is now ripe for prompt action by the international community to give effect to the advisory opinion of the ICJ. Inaction by the United Nations in halting Israel's illegal acts will only promote the erroneous message that Israel is above international law.

While we welcome the recent ceasefire between the parties to the conflict, we are of the view that Israel also needs to demonstrate its goodwill in promoting the peace process in the region. That should be done by faithfully adhering to the legal obligations stemming from the advisory opinion of the ICJ. The dismantling of the illegal wall and its associated regime constitutes an important factor in the revival of the peace process and the fulfilment of a two-State solution based on relevant resolutions of the United Nations, the Road Map and the Arab Peace Initiative.

In that regard, we welcome the modalities for the establishment and implementation of the Register as presented in the Secretary-General's report (A/ES-10/361), including its structure and recommended location at the United Nations Office at Vienna.

We believe that the establishment of the office of the Register of Damage as a subsidiary organ of the General Assembly would be a further step towards upholding international law on behalf of Palestinians directly affected by the illegal construction of the wall. What is also needed is to establish communication with various United Nations institutions that have already been in the region so that the office of the Register of Damage can benefit from their expertise in conducting the verification and assessment of registered claims.

In conclusion, we hope that the adoption of the draft resolution to that effect (A/ES-10/L.20) will facilitate the objective of the Palestinian people to

receive prompt restitution, reparations and compensation, which are long overdue, for the damage caused by Israel's illegal construction of the wall and its associated regime.

Ms. Mokaddem (Lebanon) (*spoke in Arabic*): At the outset, Madam, my delegation would like to thank you for presiding over this meeting — of great importance to Palestinians and to the Arab countries — to consider the adoption of a draft resolution (A/ES-10/L.20) concerning the establishment of the United Nations Register of Damage to compensate those affected by the construction of the wall on occupied Palestinian territory. Like all peace-loving countries, Lebanon strongly supports the draft resolution. We would also like to thank the Secretary-General for his report (A/ES-10/361) submitted under this agenda item. We also wish to associate ourselves with the statement delivered by the representative of Cuba on behalf of the Non-Aligned Movement.

The construction of the racist wall of separation — which started at the beginning of the twenty-first century, precisely at the close of an earlier century that had seen all such walls come tumbling down — is further evidence of Israel's use of the pretext of preserving its security to build its wall. Yet Israel has occupied the land of the Palestinians for more than 30 years, while at the same time attempting to depopulate it in an effort to annex it more easily. The observer of Palestine and reports from United Nations specialized agencies have described the suffering of the Palestinian people under occupation in great detail.

To whom can the Palestinians appeal, if not to the United Nations, to at least condemn the suffering to which they are being subjected and the humiliation and tragedy that are their daily lot? The wall does not even follow the 1949 Armistice Line and is being built on annexed Palestinian land, destroying the land, resources and houses of Palestinians. The building of this wall is nothing but an attempt to establish a new de facto situation, in the hope that that situation will become irreversible.

The construction of the wall and the establishment of checkpoints in the West Bank serve to isolate the Palestinian people, who are being separated from each other by settlements built on various pretexts. The construction of the wall and the settlements is a violation of international law, the Oslo accords and other agreements. The number and size of these settlements has doubled, according to the 11 December report of the Secretary-General (S/2006/956) submitted to the Security Council. The freedom of movement of Palestinians is also being severely curtailed and their most basic rights are being flouted. Palestinians in the West Bank are dying a slow death.

The International Court of Justice issued an advisory opinion on 9 July 2004, in which it stated that the construction of the wall was a violation of the principles of international law and humanitarian law and urged its dismantling. The Court also said that Israel must make reparation for all damage caused by the construction of the wall. That means that they must provide compensation for all damage caused by the illegal construction of the wall. The Court also set out other steps to be taken by the United Nations to put an end to this illegal situation. On 20 July 2004, the General Assembly adopted its resolution ES-10/15, on the illegality of the wall of separation, calling for the establishment of a United Nations register of damage.

The draft resolution before us today in document A/ES-10/L.20/Rev.1 is one of the measures that must be implemented to ensure that the rights of Palestinians are respected until the wall is dismantled. Neither walls nor blockades can establish security. Only when the occupation comes to an end and the rights of the Palestinian and Arab peoples are restored in accordance with international law will we be able to see the light at the end of the tunnel. Without that, all attempts to establish security will be in vain. Pretexts and fallacious arguments have been put forward. Temporary solutions have been proposed. Accusations have been made. The fact, however, is that the freedom of many thousands of people is being flouted. There can be neither peace nor justice unless there is acceptance and respect for the other.

Mr. Ali (Sudan) (*spoke in Arabic*): My delegation would like to associate itself with the statement delivered by the representative of Cuba on behalf of the Non-Aligned Movement. We would also like to thank you, Madam President, for convening this meeting of the tenth emergency special session of the General Assembly. We also wish to thank the brotherly country of Qatar, as well as other members of the Organization of the Islamic Conference and the Non-Aligned Movement, for endorsing the request for a resumption of the session. My delegation would also

like to thank the Secretary-General for his important report (A/ES-10/361), which has been submitted in accordance with resolution ES-10/15, of 20 July 2004, pertaining to a register of damage caused as a result of the construction of the wall in the occupied Palestinian territory, including in and around East Jerusalem, to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion of the International Court of Justice (ICJ).

Considerable economic, social and humanitarian damage has been caused to the Palestinians living near the wall, which has resulted in massive population displacements and has restricted the free movement of Palestinians to and from their places of employment. It has also deprived doctors and patients of access to hospitals and denied students access to schools and universities. In addition, trees have been uprooted, houses demolished and the social fabric frayed. In fact, the wall divides the city of Jerusalem in half, cutting off East Jerusalem and isolating the two parts of the city from each other. In the long run, the wall makes it difficult to establish an independent, viable Palestinian State, because Israel has demonstrated its contempt for the establishment of such a State in accordance with United Nations resolutions.

The advisory opinion of the International Court of Justice is quite clear. It calls upon Israel to meet its obligations under international law, to halt the construction of the wall, to dismantle the parts situated within the occupied Palestinian territory and to make reparations to the persons affected. Measures must be adopted to compel Israel to comply with those international obligations, the principles of international humanitarian law, the Fourth Geneva Convention and the Charter, so that the wall's construction is halted immediately in accordance with the advisory opinion.

The Security Council must shoulder its responsibility in finding a just, comprehensive and lasting peace based on the relevant resolutions of international legitimacy, the principle of land for peace, the Arab Peace Initiative and Israel's withdrawal by Israel from all the Arab lands it has occupied since 1967. That occupation is at the core of the Arab-Israeli conflict. The Palestinians hope to see their aspirations to an independent State fulfilled on the basis of justice and acknowledgement of their rights.

The establishment of a Register of Damage caused by the construction of the wall in the occupied Palestinian territory is a matter of great urgency and importance. It is therefore essential that the office of the Register be set up in such a way as to enable it to take account of and catalogue such damage. We call on all representatives to join in adopting draft resolution A/ES-10/L.20/Rev.1 so that restitution can be made to the people who have suffered as a result of the wall's construction. We hope that, once the draft resolution has been adopted, its provisions will be implemented forthwith.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): More than two years have passed by since the issuance of the advisory opinion of the International Court of Justice on the separation wall in the occupied Palestinian territory and the adoption of General Assembly resolution ES-10/15, which makes Israel, the occupying Power, responsible for fulfilling its legal obligations as reaffirmed by the Court and the Assembly.

We are gravely concerned at Israel's failure to comply with its obligations, in accordance with the Court's advisory opinion and the General Assembly resolution, and at its continued violation of the rights of the Palestinian people without any accountability. We need not repeat the list of Israeli violations and practices, which are obvious and well known to all. But how long will the United Nations remain unable to address Israel's illegal practices, which it carries out intransigently and in defiance of the United Nations and its highest judicial organ, the International Court of Justice, and in violation of the Charter of the United Nations and international law? How long will Israel continue to dash the legitimate hopes of the Palestinian people to establish their own independent State on their national soil?

The International Court of Justice concluded that Israel has the legal obligation to bring to an end the illegal situation resulting from the construction of the wall in the occupied Palestinian territory, to cease forthwith the construction of the wall and to make adequate compensation for the damage that it has caused, to make reparation for that damage by restoring the status quo ante, to dismantle the parts of the wall already built and to return all lands confiscated for the purpose of its construction or pay damages equal to their value and to provide compensation for all consequences of its illegal actions.

The road before us is still very long. Today, we seek the implementation of only some of the requirements of the advisory opinion of the International Court of Justice. Because Israel continues to flout its obligations under the resolutions of international legitimacy, and because the Court has concluded that Israel's illegal construction of the wall has legal consequences that are not confined only to Israel but also extend to other United Nations Member States, the General Assembly and the Security Council, Israel is obligated to immediately and fully comply with all United Nations resolutions and decisions concerning the rights of the Palestinian people.

We wish to reiterate that the establishment of the office of the Register of Damage is only a first step towards full and comprehensive implementation of the advisory opinion of the International Court of Justice and the relevant General Assembly and Security Council resolutions. The efforts of the Assembly and the Council and of international, regional and subregional organizations and specialized agencies should not be limited to the implementation of the advisory opinion. They should also compel Israel to comply with other international resolutions in accordance with international law, including Assembly and Council resolutions endorsed by the Court in its advisory opinion, which should be regarded as a landmark decision concerning specific legal obligations under international law in this area.

The mandate of the office of the Register of Damage should not be limited to registration of the damage caused to all natural and legal persons concerned as a result of the construction of the wall, as stipulated in operative paragraph 3 of the draft resolution, but should also extend to natural and legal groups and communities. Moreover, such damage should not be limited to physical consequences, but should also include emotional and psychological effects.

In accordance with paragraph 4 (d) of the draft resolution, the office of the Register of Damage will be established at the site of the United Nations Office at Vienna. However, United Nations agencies and institutions active in the occupied Palestinian territories, including the Office for the Coordination of Humanitarian Affairs and the Office of the Special Coordinator for the Middle East Peace Process should also provide support and share experiences with the office of the Register of Damage so as to facilitate its work. The office should be able to visit the occupied Palestinian territories, particularly the land on which the wall has been built, so that all those who have suffered damages resulting from Israeli practices can register their claims unhindered and unconditionally.

Since the office of the Register of Damage will be based in Vienna, other United Nations agencies and offices present on the ground in the occupied Palestinian territory should redouble their efforts to ensure the implementation of the purposes and provisions of the draft resolution, in accordance with paragraph 14. The office should also take into account the efforts and achievements of Palestinian civil society organizations and cooperate with them as necessary.

The draft resolution before us today, which we expect to be adopted by an overwhelming majority of nations that love peace and respect law, justice and international legality will lead to the establishment of the office of the Register of Damage. In the registration of damage claims, the office of the Register of Damage will, in accordance with operative paragraph 6 (d) of the draft resolution, be guided by the findings of the International Court of Justice, general principles of international law and principles of due process of law.

The responsibilities of the office of the Register should not be limited to receiving, processing, investigating and assessing all damage claims resulting from the construction of the wall, as provided for in paragraph 8 (c) of the draft resolution. They should also extend to bridging the gaps and correcting mistakes in claims when the applicants are unable to provide adequate evidence or information regarding their claims owing to practices and restrictions imposed on them by the Israeli occupation forces.

As long as the Register of Damage remains open for registration — for the duration of the existence of the wall in the occupied Palestinian territories, including in and around East Jerusalem, as provided for in paragraph 9 of the draft resolution — the office of the Register must enable applicants to amend claims in the future when there are reasons for doing so, in order that such claims properly reflect the actual damages and losses suffered as a result of the construction of the wall.

In conclusion, in view of the nature of the office of the Register and the significant rights and obligations relating to its establishment, all States and

international, regional and subregional organizations and specialized agencies are legally bound not to recognize the illegal situation resulting from the construction of the Israeli wall in the occupied Palestinian territories, including in and around East Jerusalem. They are also legally bound not to provide any aid or assistance that would help to maintain the fait accompli. They should do their utmost to remove any obstacles to the submission of claims and should, upon the adoption of the draft resolution, provide all possible support and assistance to the office of the Register of Damage so as to ensure the achievement of the purposes for which it has been established.

The President (*spoke in Arabic*): We have heard the last speaker in the debate on this item.

I now give the floor to the representative of Iraq to introduce an oral revision to draft resolution A/ES-10/L.20/Rev.1.

Ms. Tawfiq (Iraq): I would like to inform the Assembly of the following revision to draft resolution A/ES-10/L.20/Rev.1. Subparagraph (c) of operative paragraph 8 should read as follows:

> "Receiving and processing all damage claims and establishing the credibility of the causal link of those claims to the construction of the wall for registration in the Register of Damage".

The President (*spoke in Arabic*): The General Assembly will now consider draft resolution A/ES-10/L.20/Rev.1, as orally revised.

The General Assembly will now take a decision on A/ES-10/L.20/Rev.1, entitled "Establishment of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory", as orally revised. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Cameroon, Canada, Côte d'Ivoire, Malawi, Papua New Guinea, Tonga, Uganda.

Draft resolution A/ES-10/L.20/Rev.1, as orally revised, was adopted by 162 votes to 7, with 7 abstentions (resolution ES-10/17).

The President (*spoke in Arabic*): I shall now call on those representatives who wish to speak in explanation of vote on the resolution just adopted.

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Ross (United States of America): The United States cannot support resolution A/ES-10/L.20/Rev.1 and has thus voted against. Once again the General Assembly, meeting in this emergency special session, is presented with a resolution that fails to contribute constructively to working towards greater peace and stability in the region and the realization of the two-State solution.

For the second time in less than one month, the General Assembly has reconvened the tenth emergency special session of the General Assembly, which was first convened in 1997 and remains indefinitely open. This United Nations mechanism has been subject to abuse and exploitation for political purposes.

Today the General Assembly is meeting to consider a resolution on a Register of Damage caused by the construction of the wall, an issue that does not rise to the level of extraordinary threat to international peace and security, which is the original purpose of an emergency special session.

We take note of the laudable efforts of a number of delegations to bring this text into full conformity with the Secretary-General's report of 17 October 2006, outlining recommendations for the establishment of the Register. That report was prepared with great deliberation following the July 2004 emergency special session and represents the Secretariat's carefully considered recommendations.

We also note the resolution's clear statement that the active registration of damage through this registry process does not entail an evaluation or assessment of the loss of damage claimed. At the same time, and most importantly, we believe that the registry process set forth in this resolution remains too ill-defined and too open-ended in duration to allow us to support it.

The United States prefers to assist the Palestinian people in other ways. We continue to provide assistance for basic human needs and civil society and private sector development. Our financial contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East alone totalled more than $135 million in 2006.

The conclusion of a General Assembly-created registry will not be legally binding on any party. Creation of a registry as set forth in this resolution will serve only to raise false expectations on the part of the claimants and divert resources from more important tasks. Such steps will not assist in fostering peace between Israel and the Palestinians.

With regard to resources, we strongly oppose the costs associated with the creation of this open-ended mandate, at more than $2 million per year, with no provision for the mandate to be either reviewed or concluded. This body is committing scarce financial resources for a political statement.

The creation of this registry does not make a constructive contribution to peace and once again raises questions regarding the effectiveness of the United Nations and its credibility in addressing the many other grave and pressing problems in the world. Member States should not support resolutions such as this but should commit themselves to making the United Nations a relevant and constructive forum for addressing the Israeli-Palestinian conflict and other issues, instead of acquiescing in its evolution into a purely political organization that cannot reform itself and pursues a single-minded agenda. This resolution failed on that score, and we therefore voted against it.

Mr. Bowman (Canada): Canada has made clear its position that we have serious concerns regarding the construction by Israel of the barrier within the Palestinian territories and East Jerusalem. The barrier's adverse effect on the precarious humanitarian and socio-economic situation of the population of the occupied Palestinian territories is troubling.

While Israel has the right to defend its citizens, measures taken in that regard must be consistent with applicable international law. Moreover, Canada has emphasized the importance of a political solution to resolve the ongoing conflict in the Middle East and is concerned at the highly prejudicial impact that the barrier may have on prospects for peace.

In Canada's view, any action in the General Assembly on the question of the barrier should contribute to advancing a just, lasting and negotiated settlement to the Israeli-Palestinian conflict.

When the General Assembly considered the resolution on the advisory opinion of the International Court of Justice on this matter in July 2004, Canada abstained, in part because of our fundamental concern that the resolution sought to implement the Court's

opinion as it were a binding decision instead of an advisory opinion. At that time, we also expressed concern that the resolution did not adequately reflect the current situation of the larger conflict and therefore would not advance the cause of peace.

Canada continues to have this concern. We regret that the present resolution does not reflect the non-binding status of the advisory opinion of the International Court of Justice. We also have concerns regarding the scope of the powers given to the proposed Register. Canada therefore decided to abstain in the voting on the resolution.

The President (*spoke in Arabic*): We have heard the last speaker in explanation of vote.

I give the floor to the observer of Palestine.

Mr. Mansour (Palestine): I want to thank the General Assembly and each and every one of the 162 members that voted in favour of this very technical resolution whose goal is to implement the International Court of Justice's request with regard to restitution and reparations, and, therefore, compensation. But it is only one step in that process, as we, like the rest of the international community, continue to insist that the wall is illegal and must be dismantled, and that the process has to be reversed.

We are proud of the General Assembly, which tonight has set a new record in the context of all emergency sessions, with 162 positive votes. When we came to the General Assembly more than two years ago for a vote on the first draft resolution reflecting the advisory opinion of the International Court of Justice, 152 countries voted in favour. Less than a month ago, at the resumed emergency session, we received 156 votes, and tonight we received 162 votes. We are very proud of that accomplishment by the highly intelligent, highly qualified individuals, ambassadors and experts who made their decisions on the basis of thorough knowledge. They are not an "automatic immoral majority". In fact, this is a very moral majority; it is upholding international law and the rule of law, including international humanitarian law.

We did not request this resumption of the tenth emergency special session. Because the report of the Secretary-General was submitted to the emergency special session, we understood that, for technical reasons, that report could be considered only at a resumed emergency special session. We fully understand that this specific technical issue does not reflect a threat to international peace and security, but we are also good students of the rules of procedure, and we follow them thoroughly.

I do not want to respond to the insulting and personal comments made by the Israeli delegation this morning. However, I believe that when its members do not conclude from the powerful advisory opinion of the International Court of Justice and the massive vote of the General Assembly that there is something wrong with what the Israelis are doing and insult all of us with such arrogance, calling us the automatic immoral majority, their verbiage is the verbiage of sore losers. They have to conclude from the massive message sent by this body that they are doing something wrong and that they need to re-evaluate their action.

I will cite some examples of how the General Assembly has voted so that the Israeli representative can draw the correct lesson instead of insulting everyone. When the Assembly voted yesterday on resolution 61/112, on assistance to Palestine refugees, 173 countries voted in favour, compared with 161 last year. With regard to resolution 61/113, on persons displaced as a result of the June 1967 and subsequent hostilities, 170 countries voted in favour this year, compared with 161 last year. On resolution 61/114, on the operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 169 countries voted in favour this year, compared with 159 last year. On resolution 61/115, on Palestine refugees' properties, 170 voted in favour this year, compared with 160 last year. On resolution 61/116, on the work of the Special Committee to Investigate Israeli Practices, 90 voted in favour this year, compared with 86 last year. On resolution 61/117, on the applicability of the Fourth Geneva Convention, 165 voted in favour this year, compared with 158 last year. On resolution 61/118, on Israeli settlements, 162 voted in favour this year, compared with 153 last year. On resolution 61/119, on Israeli practices, 157 voted in favour this year, compared with 148 last year.

Those are only a few examples from the distinguished record of the distinguished diplomats that the Israeli ambassador likes to characterize as an "immoral majority". The truly immoral thing, which needs to be characterized as such, is occupation. Why does the Israeli ambassador say, among other things, that this will not advance the cause of peace? Simply because he and others cannot tolerate the moral power

of those resolutions, in which almost all members are saying that we must uphold international law and will not tolerate or accept one State's acting outside international law. The moral power of those resolutions, although it may not yet have led to the termination of occupation and the achievement of sovereignty for the Palestinian people in their own independent Palestinian State, is so immense that the Israeli representative, in a panicked, emotional and personal way, insulted all of us. I want to thank all members once again for their massive support. I hope that the Israeli representative will draw the correct lessons, instead of cursing all members because they voted the way we did.

In conclusion, I want to thank everyone once again and to wish them a very happy holiday.

The President (*spoke in Arabic*): I now call on the representative of Israel.

Mr. Cohen (Israel): Allow me to point out to the Member States represented in the Assembly that today the thirty-first plenary meeting of the tenth emergency special session is being held. Surely, I share this with them not out of pride, but more out of embarrassment for the Assembly, its member States and its emergency special session mechanism, which has been so blatantly used and abused for political gain and for the condemnation of one Member State, 31 times now.

The security fence never was and never will be a political matter; it was, is and will always be a security matter. Palestinian terror has made the fence a necessity. While inconveniences caused by the fence are reversible, the murder of Israelis by Palestinian terrorists is not. The fence saves lives. The moment that there is no longer terror will be the moment that the fence is no longer necessary.

Yet, if the lifesaving factors of the security fence were not enough to convince Member States that it is necessary to guarantee Israel's peace and security, it was also explained this morning that a fully functional and transparent mechanism already exists on the ground. That mechanism has been responsible for reviewing some 140 cases brought by Palestinian complaints to Israel's high court. In all, close to 6.5 million new Israeli shekels, or $1.5 million, has been paid to Palestinians and organizations that have petitioned the court.

But the Assembly has just authorized an enlargement of the United Nations budget — which means additional dues for Member States and taxes for their citizens — to allocate $3 million annually for an ineffective mechanism. That is double the amount of money that Israel has actually spent on compensating Palestinians who feel affected by the fence. Three million dollars of the United Nations budget will now go to finance a mechanism that includes an office in Vienna, with an unnecessarily large support staff, for a process that cannot and will not compensate Palestinians affected by the building of the security fence.

The principle that governs the General Assembly is one State, one vote — what could be referred to, in a utopian sense, as a democratic system. But, owing to political and selfish interests, the democracy of the General Assembly is controlled by an automatic majority that can and does act as it pleases. These Member States can be confident, with their majority status, that any resolution they wish to propose will be adopted, including lengthy, repetitive and malicious condemnations of Israel. By now, we are, thankfully, aware of this abuse of the "one State, one vote" concept and are confident that such proceedings are not within the spirit of the United Nations democracy.

Israel voted against this resolution not because it is against compensating Palestinians who rightfully felt affected by the fence. Israel's actions on the ground, its establishment of a real mechanism and the compensation paid clarifies any ambiguity on that issue.

Israel voted against this resolution because it is yet another example of how politicized and limited in scope this world body has become.

The President (*spoke in Arabic*): In accordance with the terms of paragraph 17 of the resolution just adopted, the tenth emergency special session of the General Assembly is adjourned.

The meeting rose at 5.40 p.m.